

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/19/2006

Dated:20<sup>th</sup> May, 2006.

## PRESS NOTE

**Subject:- Bye-elections to the Council of States from Jammu & Kashmir, Maharashtra and Uttar Pradesh to fill up the vacancies occurring due to disqualification/death/resignation of sitting members.**

Four vacancies have occurred in the Council of States, the details of which are as under:-

S.No.	Name of member	Elected from the State	Date of vacancy	Cause of vacancy
1.	Smt. Jaya Bachchan	Uttar Pradesh	16.03.2006	Disqualification under Article 103 (I) read with Article 102 (I) (a) of the Constitution of India.
2.	Sh. Anil Dhirubhai Ambani	Uttar Pradesh	29.03.2006	Resignation
3.	Sh. Ghulam Nabi Azad	Jammu & Kashmir	29.04.2006	Resignation
4.	Sh. Pramod Mahajan	Maharashtra	03.05.2006	Death

The vacancy in the seat of Smt. Jaya Bachchan has occurred by reason of the order dated 16<sup>th</sup> March, 2006 of the President of India under Article 103 (1) of the Constitution on the ground of her disqualification under Article 102 (1) (a) of the Constitution (vide Government of India, Ministry of Law and Justice Notification No.H-11026 (I)/2006-Leg.II, dated 16<sup>th</sup> March, 2006) before the expiration of her term of

office, which was upto 4<sup>th</sup> July, 2010. Sub clause (a) of clause (3) of Article 101 of the Constitution, *inter alia*, provides as under

***“If a member of either House of Parliament-***

***(a) becomes subject to any of the disqualifications mentioned in [clause (1) or clause (2) of article 102], or***

***XXX***

***XXX***

***XXX***

***his seat shall thereupon become vacant:”***

4. An Election Petition No. 4 of 2004 is pending before the Hon’ble Allahabad High Court (Lucknow Bench) in which elections to the Council of States of Smt. Jaya Bachchan and Sh. Anil Dhirubhai Ambani have been called in question. The Hon’ble High Court has observed in its order dated 5<sup>th</sup> May, 2006 that there is no stay ordered by the Hon’ble Court against the holding of Bye Elections by the Election Commission of India to fill the seats held by Smt. Jaya Bachchan and Anil Dhirubhai Ambani.

5. It has been a consistent policy of the Commission that the bye-elections shall be held at the earliest possible opportunity in order to ensure that no segment of the Indian people are left unrepresented for unnecessary length of time.

6. In view of the above, the Election Commission has decided to fill up the above mentioned vacancies in accordance with the following programme: -

1.	Issue of Notification	29 <sup>th</sup> May, 2006(Monday)
2.	Last date of making nominations	5 <sup>th</sup> June, 2006 (Monday)
3.	Scrutiny of nominations	6 <sup>th</sup> June, 2006 (Tuesday)
4.	Last date of withdrawal of candidatures	8 <sup>th</sup> June, 2006 (Thursday)
<b>5.</b>	<b>Date of Poll</b>	<b>15<sup>th</sup> June, 2006 (Thursday)</b>
6.	Hours of poll	9.00 A.M. to 4.00 P.M.
7.	Counting of Votes	15 <sup>th</sup> June, 2006(Thursday) at 5.00 P.M.
8.	Date before which election shall be completed	20 <sup>th</sup> June, 2006(Tuesday)

7. The Hon'ble Supreme Court of India in its order dated 09.06.2004 in the Writ Petition No.(C) 217 of 2004 in the matter of Kuldip Nayyar Vs Union of India inter alia has stated

*“Election of the members of the Council of States is subject to the result of Writ Petitions or Orders that may be passed at the time of the final disposal of the this writ petition.”*

8. Therefore, the result of these bye-elections will be subject to the final orders passed in Writ Petition No.(C) 217 of 2004.

**(K.N. BHAR)**  
**UNDER SECRETARY**